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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/691,841

10/23/2003

Mohammed Samji

306104.01/MFCP.139945

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06/26/2008

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EXAMINER

LY, ANH

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/691,841 | Applicant(s) SAMJI ET AL. | |
| | Examiner ANH LY | Art Unit 2162 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to Applicants' AMENDMENT filed 05/01/2008.

Request for Continued Examination (RCE)

2. The request filed on 5/01/2008 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/691,841 is acceptable and a RCE has been established. An action on the RCE follows.
3. Claims 1-55 are pending in this Application.

Response to Arguments

4. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Pearson (Pub. No.: US 2003/0028610 A1) teaches a network-based file sharing system including host and plurality of other host computers for sharing file by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query defining the scope and the meet criteria to the query against to the folder or directory as a dynamic list and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-23, 31-35, 51 and 54-55 rejected under 35 U.S.C. 101 because the “media” in claims 17 and 31 is to be wired or wireless, or signal, (specification page 42, lines 1-5), which is non-statutory subject matter.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2003/0097361 A1 to HUANG et al. (hereinafter HUANG) in view of Pub. No.: US 2003/0028610 A1 to PEARSON.

With respect to claim 1, HUANG teaches a method of designating items as available to share in a computer system between a sharer and a sharee (fig. 9, a method for sharing file on the network, the selected or designated item or file or folder as available to share with the users on the network: page 7, paragraphs 0098, lines 1-22, 0100, lines 7-13; also see page 6, paragraph 0084, 1-10 and page 9, paragraph 0120, lines 1-10), comprising:

creating on the sharer's computer a list with a plurality of referenced items based on the results of said query (retrieving information for items in the folder. Each item in folder matched with the criteria set forth in the query (page 11, 0150, lines 2-15);

defining the contents of one or more virtual folders on the sharer's computer based on the list, the one or more virtual folders configured to be manipulated by an action of at least the sharer, said manipulation is at least one of dragging, copying and pasting (fig. 11, virtual folder or desktop; manipulation functions: page 6, 0083, lines 3-12); and

making the contents of one or more virtual folders available for sharing with the sharee (files or folders to be shared between the users over the network: page 10, 0129, lines 3-5); and

sharing at least portion of the one or more virtual folders with a sharee such that the sharee is provided with access to the referenced items from the sharee's computer (gaining access the files: pages 7-8, 0107, 1-5; fig. 13, page 9, 0123, lines 1-18).

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach executing on the share's computer a query comprising a scope and a criteria, wherein the scope and criteria are submitted by the user of the sharer's computer as claimed.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query defining the scope and the meet criteria to the query against to the folder or directory as a dynamic list (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claim 2, HUANG teaches wherein the list is a static list (fig. 11, page 8, 0113).

With respect to claims 3-4, HUANG teaches a method as discussed in claim 1.

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach wherein when the sharer removes items from the list, the sharee is no longer provided with access to the items and wherein when items are added to the list, the sharee is provided with access to added items as claimed.

However, PEARSON teaches removing file from the shared list (see figs. 18-19, page 7, 0052, lines 5-10, and page 8, 0056, lines 1-10) and a file is added to the list (page 8, 0057, lines 1-5 and 0058, lines 1-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claims 5-7, HUANG teaches a method for sharing items in a computer as discussed in claim 1.

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach a dynamic list, criteria of the dynamic list and meets the criteria of the dynamic list as claimed.

However, PEARSON teaches locating files or items that meeting the criteria specified by search query to return of a result of a list of files as dynamic list (page 4, paragraphs 0031-0033; also see fig. 31 and 36; page 8, 0059, lines 1-12 and page 9, 0064, lines 1-1-10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claims 8-9, HUANG teaches a method for sharing items in a computer as discussed in claim 1.

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach wherein when the sharer is unable to grant access to the sharee for an item, a notification is provided to

the sharer; and wherein the sharer is able to limit the type of access that the sharee has to the items as claimed.

However, PEARSON teaches user would receive a notice or notification as no file meeting the search query (page 4, 0034, lines 3-5) and keeping track of whether sharing of particular files is permitted or restricted (access restrictions: see fig. 7 and page 6, 0044-0045 and abstract and page 1, 0005).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claim 10, HUANG teaches a method for sharing items on a computer system (fig. 9, a method for sharing file on the network, the selected or designated item or file or folder as available to share with the users on the network: page 7, paragraphs 0098, lines 1-22, 0100, lines 7-13; also see page 6, paragraph 0084, 1-10 and page 9, paragraph 0120, lines 1-10) comprising:

in response to receiving the permission to access the list, accessing the list and the referenced items that have been determined by the sharer's computer to shared in a sharing format, the sharing format being one of a static list and a dynamic list (fig. 11-12 and 14; page 8, 0108, lines 4-20; page 12, 0153, lines 1-15 and 0155, lines 1-10); and

wherein the one or more virtual folders are configured to be manipulated by an action of at least the sharer, said manipulation is at least one of dragging, copying and pasting (fig. 11, virtual folder or desktop; manipulation functions: page 6, 0083, lines 3-12).

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach receiving permission to access a list with referenced items wherein the referenced items are based on the results of a query executed on the sharer's computer, and the list defines the contents of one or more virtual folders on the sharer's computer as claimed.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query defining the scope and the meet criteria to the query against to the folder or directory as a dynamic list (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033). Also, see figs. 6 and 7, page 5, 0038, lines 1-14 and page 6, 0044-0045).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the

purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claim 11, HUANG teaches wherein the list is a static list that formed as virtual folder (fig. 11, page 8, 0113).

With respect to claims 12-16, HUANG teaches a method for sharing items in a computer as discussed in claim 10.

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach wherein when an item is added or removed from the list, the permission to access the item is correspondingly added or removed; wherein the list is a dynamic list that is formed as a virtual folder with a set of criteria for the referenced items; wherein when items have changes to their properties such that they meet or no longer meet the criteria of the dynamic list, the permission to access the item is correspondingly added or removed; wherein when access to an item is unavailable, a notification is provided; and wherein the permission to access the list specifies the type of access that is available for the items as claimed.

However, PEARSON teaches removing file from the shared list (see figs. 18-19, page 7, 0052, lines 5-10, and page 8, 0056, lines 1-10) and a file is added to the list (page 8, 0057, lines 1-5 and 0058, lines 1-15); locating files or items that meeting the criteria specified by search query to return of a result of a list of files as dynamic list (page 4, paragraphs 0031-0033; also see fig. 31 and 36; page 8, 0059, lines 1-12 and

page 9, 0064, lines 1-1-10) and user would receive a notice or notification as no file meeting the search query (page 4, 0034, lines 3-5) and keeping track of whether sharing of particular files is permitted or restricted (access restrictions: see fig. 7 and page 6, 0044-0045 and abstract and page 1, 0005).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claim 17, HUANG teaches One or more computer-readable media for enabling a computer-program segment to communicate with one or more other computer-program segments (fig. 9, a method for sharing file on the network, the selected or designated item or file or folder as available to share with the users on the network: page 7, paragraphs 0098, lines 1-22, 0100, lines 7-13; also see page 6, paragraph 0084, 1-10 and page 9, paragraph 0120, lines 1-10), said media comprising:

wherein the one or more virtual folders are configured to be manipulated by an action of at least the sharer, said manipulation is at least one of dragging, copying, and pasting, said referenced items are determined by the sharer's computer to be shared in a sharing format, the sharing format being one of a static list format and a dynamic list format (fig. 11-12 and 14; page 8, 0108, lines 4-20; page

12, 0153, lines 1-15 and 0155, lines 1-10; and fig. 11, virtual folder or desktop; manipulation functions: page 6, 0083, lines 3-12).

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach a set of computer-usable instructions that cause a request to provide access to a set of items to be communicated to one or more other computer-program segments capable of executing said request, wherein the set of items include results of a query executed on the sharer's computer, and wherein the results are included in one or more virtual folders on the sharer's computer as claimed.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query defining the scope and the meet criteria to the query against to the folder or directory as a dynamic list (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033). Also, see figs. 6 and 7, page 5, 0038, lines 1-14 and page 6, 0044-0045).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the

purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

Claim 18 is essentially the same as claim 11 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 11 hereinabove.

Claim 19 is essentially the same as claim 12 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 12 hereinabove.

Claim 20 is essentially the same as claim 13 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 13 hereinabove.

Claim 21 is essentially the same as claim 14 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 14 hereinabove.

Claim 22 is essentially the same as claim 15 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 15 hereinabove.

With respect to claim 23, HUANG teaches wherein the access to the items may be limited to be one of read/write or read only (page 10, 0129, lines 5-10; 0134, lines 3-12).

With respect to claim 24, HUANG teaches a method of communicating between a sharer of a list and a sharee (fig. 9, a method for sharing file on the network, the

selected or designated item or file or folder as available to share with the users on the network: page 7, paragraphs 0098, lines 1-22, 0100, lines 7-13; also see page 6, paragraph 0084, 1-10 and page 9, paragraph 0120, lines 1-10) comprising:

responsive to authorization received from the sharer, providing the sharee access to the items in the determined sharing format; and wherein the one or more virtual folders are configured to be manipulated by an action of at least the sharer, said manipulation is at least one of dragging, copying, and pasting and determined by the sharer's computer to be shared in a sharing format, wherein the sharing format is one of a static list format and a dynamic list format (fig. 11-12 and 14; page 8, 0108, lines 4-20; page 12, 0153, lines 1-15 and 0155, lines 1-10; and fig. 11, virtual folder or desktop; manipulation functions: page 6, 0083, lines 3-12).

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach receiving from the sharee a call for accessing on a computer of the sharer items that are referenced on the list, wherein the list is based on the results of a query executed on the sharer's computer referenced in one or more virtual folders on the sharer's computer, and stored on the sharer's computer as claimed.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query defining the scope and the meet criteria to the query against to the folder or directory as a

dynamic list (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033). Also, see figs. 6 and 7, page 5, 0038, lines 1-14 and page 6, 0044-0045).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claim 25, HUANG teaches wherein the list is a static list (fig. 11, page 8, 0113).

With respect to claims 26-29, HUANG teaches a method for sharing items in a computer as discussed in claim 24. Also, HUANG teaches NOT allow or deny to access (see Table-1 continued in page 17).

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach wherein as items are added or removed from the list, the access to the items is correspondingly allowed or denied; wherein the list is a dynamic list with a set of criteria for the items; wherein as the properties of items change such that the items meet or no longer meet the criteria for the dynamic list, the items are correspondingly added or removed from the list;

wherein when access may be unavailable to an item, that is on the list when the list is shared, a notification is provided to the sharer as claimed.

However, PEARSON teaches removing file from the shared list (see figs. 18-19, page 7, 0052, lines 5-10, and page 8, 0056, lines 1-10) and a file is added to the list (page 8, 0057, lines 1-5 and 0058, lines 1-15); locating files or items that meeting the criteria specified by search query to return of a result of a list of files as dynamic list (page 4, paragraphs 0031-0033; also see fig. 31 and 36; page 8, 0059, lines 1-12 and page 9, 0064, lines 1-1-10) and user would receive a notice or notification as no file meeting the search query (page 4, 0034, lines 3-5) and keeping track of whether sharing of particular files is permitted or restricted (access restrictions: see fig. 7 and page 6, 0044-0045 and abstract and page 1, 0005).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claim 30, HUANG teaches wherein the sharer is able to limit the type of access to the items (page 10, 0129, lines 5-10; 0134, lines 3-12).

Claim 31 is essentially the same as claim 24 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 24 hereinabove.

Claim 32 is essentially the same as claims 25 and 27 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claims 25 and 27 hereinabove.

Claim 33 is essentially the same as claims 26 and 28 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claims 26 and 28 hereinabove.

Claim 34 is essentially the same as claim 29 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 29 hereinabove.

Claim 35 is essentially the same as claim 30 except that it is directed to a computer readable media rather than a method, and is rejected for the same reason as applied to the claim 30 hereinabove.

With respect to claim 36, HUANG teaches a method for sharing items in a computer system between a sharer and a sharee (fig. 9, a method for sharing file on the network, the selected or designated item or file or folder as available to share with the users on the network: page 7, paragraphs 0098, lines 1-22, 0100, lines 7-13; also see page 6, paragraph 0084, 1-10 and page 9, paragraph 0120, lines 1-10), comprising:

determining the sharing format of the list to be shared to the sharee, wherein the sharing format is one of a static list and a dynamic list; sharing the one or more virtual

folders with a sharee such that the sharee is provided with access to the referenced items from the sharer's computer in the determined sharing format; and wherein the one or more virtual folders are configured to be manipulated by an action of at least the sharer, said manipulation is at least one of dragging, copying, and pasting (fig. 11-12 and 14; page 8, 0108, lines 4-20; page 12, 0153, lines 1-15 and 0155, lines 1-10; and fig. 11, virtual folder or desktop; manipulation functions: page 6, 0083, lines 3-12).

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach executing on the sharer's computer a query comprising a scope and a criteria; creating on the sharer's computer one or more virtual folders with a plurality of referenced items based on the results of said query as claimed.

However, PEARSON teaches file sharing systems for sharing file (sections 0002, 0005-0006 and 0008) by searching or querying files or items storing on the file folders or directories (static list) on other computer over the system via a search query defining the scope and the meet criteria to the query against to the folder or directory as a dynamic list (fig. 4, item 106) and the result is returning with a list (a plurality) of files or items meeting the criteria (dynamic list) (items 116 and 120; sections 0030-0033). Also, see figs. 6 and 7, page 5, 0038, lines 1-14 and page 6, 0044-0045).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to

utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claim 37, HUANG teaches wherein the virtual folder is a static list (fig. 11, page 8, 0113).

With respect to claims 38-42, HUANG teaches a method for sharing items in a computer as discussed in claim 36.

HUANG teaches the file sharing system over the computer network: sharing the file items in the folders with the users on the network and retrieving file items based on the query containing the criteria. HUANG does not explicitly teach wherein when the sharer removes items from the virtual folder, the sharee is no longer provided with access to the items; wherein when items are added to the virtual folder, the sharee is provided with access to the added items; wherein the virtual folder is a dynamic virtual folder with a scope and set of criteria for the referenced items; wherein when an item that is in the dynamic virtual folder has a property change such that it no longer meets the criteria of the dynamic virtual folder, the sharee is no longer provided with access to the item; and wherein when an item that was not previously on the dynamic virtual folder has a property change such that it meets the criteria of the dynamic virtual folder, the sharee is provided with access to the item as claimed.

However, PEARSON teaches removing file from the shared list (see figs. 18-19, page 7, 0052, lines 5-10, and page 8, 0056, lines 1-10) and a file is added to the list

(page 8, 0057, lines 1-5 and 0058, lines 1-15); locating files or items that meeting the criteria specified by search query to return of a result of a list of files as dynamic list (page 4, paragraphs 0031-0033; also see fig. 31 and 36; page 8, 0059, lines 1-12 and page 9, 0064, lines 1-1-10) and user would receive a notice or notification as no file meeting the search query (page 4, 0034, lines 3-5) and keeping track of whether sharing of particular files is permitted or restricted (access restrictions: see fig. 7 and page 6, 0044-0045 and abstract and page 1, 0005).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of HUANG with the teachings of PEARSON. One having ordinary skill in the art would have found it motivated to utilize the use of search query to query other machine and the result of query is a list of files or items as disclosed (PEARSON's fig. 4), into the system of HUANG for the purpose of using in sharing files on a P2P basis among computers on a computer network (PEARSON's page 1, paragraphs 0001 and 0005).

With respect to claim 43, HUANG teaches defining within the list an order of the plurality of referenced items (figs. 11-12 and 14).

With respect to claim 44, HUANG teaches defining within the list an annotation corresponding to at least one of the plurality of referenced items (figs 11-12 and 14).

With respect to claim 45, HUANG teaches wherein the list comprises a predefined order of the referenced items (figs. 12 and 14).

With respect to claim 46, HUANG teaches wherein the list comprises an annotation corresponding to at least one of the referenced items (figs. 11, 12 and 14).

Claim 47 is essentially the same as claim 43 except that it is directed to a computer readable medium rather than a method, and is rejected for the same reason as applied to the claim 43 hereinabove.

Claim 48 is essentially the same as claim 44 except that it is directed to a computer readable medium rather than a method, and is rejected for the same reason as applied to the claim 44 hereinabove.

With respect to claim 49, HUANG teaches wherein the sharee is provided with remote access to the referenced items from another computer (fig. 9 and figs. 11, 12 and 14).

With respect to claim 50, HUANG teaches wherein accessing the list and the referenced items is performed remotely from another computer (page 3, paragraph 0045, lines 1-3 and 0049, lines 1-8).

With respect to claim 51, HUANG teaches wherein the request to provide access comprises a request to provide remote access from another computer (page 3, paragraph 0045, lines 1-3 and 0049, lines 1-8).

With respect to claim 52, HUANG teaches, wherein providing the sharee access to the items comprises providing the sharee remote access to the items (page 3, paragraph 0045, lines 1-3 and 0049, lines 1-8).

With respect to claim 53, HUANG teaches wherein the receiving step comprises receiving the call via an API (page 3, paragraphs 0044, lines 1-8 and 0054, lines 1-15).

With respect to claim 54, HUANG teaches wherein the set of computer-usable instructions allow the sharee to remotely access the items (page 3, paragraph 0045, lines 1-3 and 0049, lines 1-8).

With respect to claim 55, HUANG teaches wherein in the sharing step the sharee is provided with remote access to the referenced items (page 3, paragraph 0045, lines 1-3 and 0049, lines 1-8).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH LY whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV (Written Authorization being given by Applicant (MPEP 502.03 [R-2])) or fax to **(571) 273-4039** (unofficial fax number directly to examiner's office). The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Breene**, can be reached on **(571) 272-4107** or Primary Examiner, **Jean Fleurantin**, can be reached on **(571) 272-4035**.

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